

I hereby certify that this correspondence is being electronically transmitted to the USPTO on the date shown below.

Date: February 23, 2007

Signature: _____

(Quyen Nguyen)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/810,276
Confirmation No.: 8525
Filing Date: March 26, 2004
Inventor(s): Michael D. LAUFER
Title: METHODS OF TREATING AIRWAYS IN THE LUNG
Examiner: D. Shay
Group Art Unit: 3735

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patent
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.97 and §1.98, Applicants submit for consideration in the above-captioned application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. §1.97(e)(1) has been provided.

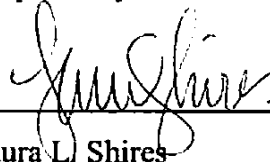
Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. §1.97 and §1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this

application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the event the appropriate fee and/or petition is not filed herewith and the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with this filing to **Deposit Account No. 50-3973** referencing Attorney Docket No. **ASTXNA00101**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,



Laura L. Shires
Registration No. 52,222

Customer No. 40518
Levine Bagade Han LLP
2483 East Bayshore Road, Suite 100
Palo Alto, CA 94303
Direct: (650) 242-4211
Fax: (650) 284-2180

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		<i>Complete if Known</i>		
		Application Number	10/810,276	
		Filing Date	March 26, 2004	
		First Named Inventor	Michael D. LAUFER	
		Art Unit	3735	
		Examiner Name	D. Shay	
Sheet	1	of	4	Attorney Docket No: ASTXNA00101US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-4461283	07-24-1984	DOI; Yuzuru	
		US-4567882	02-04-1986	HELLER; Richard M.	
		US-4584998	04-29-1986	MCGRAIL; Thomas W.	
		US-4674497	06-23-1987	OGASAWARA; Tadahiko	
		US-4709698	12-01-1987	JOHNSTON; James H. et al.	
		US-4862886	09-05-1989	CLARKE; Richard H. et al.	
		US-4976709	12-11-1990	SAND; Bruce J.	
		US-5019075	05-28-1991	SPEARS; Richard J. et al.	
		US-5053033	10-01-1991	CLARKE; Richard H.	
		US-5096916	03-17-1992	SKUPIN; Alvaro H.	
		US-5116864	05-26-1992	MARCH; Keith L. et al.	
		US-5152286	10-06-1992	SITKO; Sergei P. et al.	
		US-5255679	10-26-1993	IMRAN; Mir A.	
		US-5562608	10-08-1996	SEKINS; Michael K. et al.	
		US-5607419	03-04-1997	AMPLATZ; Curtis A. et al.	
		US-5620438	04-15-1997	AMPLATZ; Curtis A. et al.	
		US-5730741	03-24-1998	HORZEWSKI; Michael et al.	
		US-5779698	07-14-1998	CLAYMAN; Ralph V. et al.	
		US-5846238	12-08-1998	JACKSON; Jerome et al.	
		US-5855577	01-05-1999	MURPHY-CHUTORIAN; Douglas R. et al.	
		US-5871523	02-16-1999	FLEISCHMAN; Sidney D. et al.	

EXAMINER SIGNATURE

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				<i>Complete if Known</i>	
				Application Number	10/810,276
				Filing Date	March 26, 2004
				First Named Inventor	Michael D. LAUFER
				Art Unit	3735
				Examiner Name	D. Shay
Sheet	2	of	4	Attorney Docket No: ASTXNA00101US	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-5891136	04-06-1999	MCGEE; David et al.	
		US-5908445	06-01-1999	WHAYNE; James G. et al.	
		US-6142993	11-07-2000	WHAYNE; James et al.	
		US-6198970	03-06-2001	FREED; Marcy L. et al.	
		US-6338836	01-15-2002	KUTH; Rainer et al.	
		US-6411852	06-25-2002	DANEK; Christopher J. et al.	
		US-6488673	12-03-2002	LAUFER; Michael D. et al.	
		US-6634363	10-21-2003	DANEK; Christopher James et al.	
		US-20020091379A1	07-11-2002	DANEK; Christopher J. et al.	
		US-20040031494A1	02-19-2004	DANEK; Christopher James et al.	
		US-20040182399A1	09-23-2004	DANEK; Christopher James et al.	
		US-20050010270A1	01-13-2005	LAUFER, Michael D.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Documents	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if Known)				
		EP-908150B1	05-07-2003	ETHICON ENDO-SURGERY, INC.		

EXAMINER SIGNATURE

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				<i>Complete if Known</i>	
				Application Number	10/810,276
				Filing Date	March 26, 2004
				First Named Inventor	Michael D. LAUFER
				Art Unit	3735
				Examiner Name	D. Shay
Sheet	3	of	4	Attorney Docket No: ASTXNA00101US	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Documents	Publication Date MM-DD- YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (If Known)				
		RU-2053814C1	02-10-1996	NOVIKOV VALERIJ NIKOLAEVICH		✓
		RU-2091054	09-27-1997	VLADIVOSTOKSKIJ GOSUDARSTVENNYJ MEDITSINSKIJ UNIVERSITET		✓
		WO-9733715A1	09-18-1997	BOOTSMAN HOLDING B.V.		
		WO-9844854A1	10-15-1998	BRONCUS TECHNOLOGIES, INC.		
		WO-9858681A3	03-18-1999	EP TECHNOLOGIES, INC.		
		WO-9903413A1	01-28-1999	VNUS MEDICAL TECHNOLOGIES, INC.		
		WO-9913779A2	03-25-1999	SCIMED LIFE SYSTEMS, INC.		
		WO-9944506A1	09-10-1999	SENORX, INC.		
		WO-9945855A1	09-16-1999	CARDIOFOCUS, INC.		

EXAMINER SIGNATURE

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP §01.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		<i>Complete if Known</i>		
		Application Number	10/810,276	
		Filing Date	March 26, 2004	
		First Named Inventor	Michael D. LAUFER	
		Art Unit	3735	
		Examiner Name	D. Shay	
Sheet	4	of	4	Attorney Docket No: ASTXNA00101US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T2
		SIMON R. JOHNSON et al., Synthetic Functions of Airway Smooth Muscle in Asthma, Trends Pharmacol. Sci., Aug. 1997, 18(8), 288-292.	
		MACKLEM P.T., Mechanical Factors Determining Maximum Bronchoconstriction, European Respiratory Journal, Jun. 1989, 6, 516s-519s.	
		JAMES C. HOGG, The Pathology of Asthma, APMIS, Oct. 1997, 105(10), 735-745.	
		DIERKESMANN et al., Indication and Results of Endobronchial Laser Therapy, Lung, 1990, 168, 1095-1102.	
		NETTER F. H., Respiratory System: A Compilation of Paintings Depicting Anatomy and Embryology, Physiology, Pathology, Pathophysiology, and Clinical Features and Treatment of Diseases, In The CIBA Collection of Medical Illustrations M.B. Divertie, ed., Summit: New Jerse, 1979, vol. 7, 119-135.	
		PROVOTOROV et al., The Clinical Efficacy of Treating Patients with Nonspecific Lung Disease by Using Low-energy Laser Irradiation and Intrapulmonary Drug Administration, ISSN: 0040-3660., Terapevticheskii Arkhiv (USSR), 1991, 63 (12), 18-23.	
		VOROTNEV et al., Low energy laser treatment of chronic obstructive bronchitis in a general rehabilitation center, ISSN: 0040-3660., Terapevticheskii Arkhiv, 1997, 69 (3), 17-19.	
		WIGGS B.R. et al., On the Mechanism of Mucosal Folding in Normal and Asthmatic Airways, J. Appl. Physiol., Dec. 1997, 83(6), 1814-1821.	
		IVANIUTA O. M. et al., Effect Of Low-Power Laser Irradiation Of Bronchial Mucosa On The State Of Systemic And Local Immunity In Patients With Chronic Bronchitis, Problemy Tuberkuleza, 1991, 6, 26-29.	

EXAMINER SIGNATURE

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.